UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

    Plaintiff,

v.

JOHN DAVID,

    Defendant.

Case No. 22-20184
Honorable Laurie J. Michelson

**ORDER ON DEFENDANT'S NEW EMERGENCY MOTION FOR
COMPASSIONATE RELEASE [96]**

Business owner John David conspired with a public school board president to commit federal program bribery. Due in large measure to his serious health issues, David was sentenced to 24 months in prison, well below his guidelines range. After serving approximately five months, David moved for compassionate release based on his health issues. (ECF No. 96.) The motion was denied. (ECF No. 92.) The Court ultimately determined that "even if David could demonstrate extraordinary and compelling reasons for compassionate release, the § 3553(a) sentencing factors do not warrant his immediate release." (*Id*. at PageID.1712.) David appealed the ruling to the Sixth Circuit. (ECF No. 93.)

A few weeks after filing the notice of appeal, David filed a "new emergency motion/under new circumstances for compassionate release." (ECF No. 96.) David says "this motion is for reconsideration" based on new circumstances. (*Id*. at PageID.1764.) The "new circumstances" are additional health issues that plague

David. But his appeal of these overlapping issues remains pending. Thus, the Court lacks jurisdiction over David's newly filed motion. *See United States v. Carman*, 933 F.3d 614, 618 (6th Cir. 2019) ("[A notice of appeal] confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal." (quoting *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982))).

For this reason, David's motion for reconsideration based on new circumstances is DISMISSED WITHOUT PREJUDICE. It is further ordered Defendant's Motion for Video Conference (ECF No. [95]) is DISMISSED AS MOOT.

SO ORDERED.

Dated: August 22, 2024

s/Laurie J. Michelson
LAURIE J. MICHELSON
UNITED STATES DISTRICT JUDGE